HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12859 of 2007

Dated 23rd August, 2007

Between

Chinna Venkataiah

…Petitioner

and

The District Collector, Education Department,
Mahaboobnagar District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12859 of 2007

ORDER:

This Writ Petition is filed by an Ex-Educational Committee Member and Ward Member of Gram Panchayat, Kappate village in Bhootpur Mandal of Mahaboobnagar District, seeking Writ of Mandamus to declare the action of the respondents in proposing to construct the new school building sanctioned under Sarva Siksha Abayan Programme near the electrical transformer and faraway from the existing primary school, as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that there is an existing primary school in the village, which is located in the convenient place. It is the grievance of the petitioner that pursuant to the sanction of additional class rooms under the Sarva Siksha Abayan programme, construction of school building is taken up very

near to the existing electrical transformer and Gonaiahkunta tank. It is further stated that the proposed site, where additional class rooms are sought to be constructed, is far away from residential area.

The Mandal Educational Officer, filed counter affidavit on behalf of the respondents. It is stated in the counter affidavit that under Sarva Siksha Abayan Programme, the Government had sanctioned additional class rooms with an estimated cost of Rs.5.00 lakhs for the benefit of village school going children. It is stated that an extent of 0.09 guntas of land in Sy.No. 192/1 of Kappeta village had been allotted by the revenue department for the said purpose and the said site is nearly 300 square yards away from the existing school. It is further stated that the existing electrical transformer is 20 feet away from the site and it is located at the back side of the building and will come outside the compound wall of the school. It is also stated that construction of the school building had already been taken up and the same is at foundation level.

It is not a case where constructions are taken up in the available space in the existing school. Pursuant to the sanction of additional class rooms under the Sarva Siksha Abayan Programme, an extent of 0.09 gunts of land was allotted by the revenue department. When it is stated that the site in question is 20 feet away from the existing electrical transformer and it will not fall within the compound wall of the school building to be constructed, it cannot be said that there is danger to the children. At the same time, it is stated that, steps are being taken to shift the transformer from the existing place. I do not find any valid ground to stop the construction of the proposed school building, as the same is stated to be at the foundation level. In that view of the matter, I dispose of the Writ Petition directing the respondents to take steps by addressing the concerned authorities for shifting the electrical transformer from the existing place to any other suitable place.

Subject to the above direction, the Writ Petition is disposed of.

No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 23-8-2007
Msnr.